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URGENT – REPLY TO FINAL OFFICE ACTION
PLEASE FORWARD TO EXAMINER WITHOUT DELAY

Re Page 6 of Applicants' last reply:

"On Page 6, Applicant argues that there is no mention of an analyzer in conjunction with Figure 3 of Bentley et al, but then specifically points out that there is an analyzer. Applicant makes the statement that the "analyzer" which is not mentioned, "does not pertain to the collection and detection of hazardous particles via wet electrostatic precipitation." Applicant is arguing a position that is not supported by Claim 1 of Applicants' instant application. Applicants' claims are broader in scope than what is being argued here."

The apparent confusion or contradiction is removed by the following succinct paragraph from our amendment dated December 6, 2008, page 5:

"... Bentley patent discloses two distinct embodiments based on the use of "baffled separators," the first of which is represented by its Fig. 1 and addressed to the monitoring of air contaminants, as in our claims, whereas the second embodiment represented by Fig. 3 is directed at "cleaning a gas" [see Abstract, penultimate sentence, or Column 1, Lines 66-68]. Since our basic Claims 1 and 5 are restricted to "detecting the presence of an airborne chemical or biological analyte," the gas cleaning embodiment of Bentley's Fig. 3 does not apply to them. Neither does the electrostatic precipitator of Fig. 3, which is part of a final gas clean-up [Column 3, Lines 33-35]."

The analyzer that is discussed in Applicants' reply is part of Bentley's embodiment of Fig. 1 and related text, which is based strictly on baffled separators and in which an electrostatic precipitator does not appear.

As to the applicants' below-copied basic claims 1 and 5, attention is invited to the high-lighted phrases "said collector tube and discharge electrode forming part of said chamber" and "sampling means forming part of said containing means", which seem to have been consistently overlooked by the Examiner and which render the electrostatic precipitator of Bentley's Fig. 3 inapplicable to our claims:

"1. In wet electrostatic precipitation-based apparatus for detecting the presence of an airborne chemical or biological analyte, the improvement comprising:

- a gas- and liquid-containing chamber;
- means for introducing an analyte-free collection liquid into said chamber, and
- means for rapidly sampling a volume of ambient air and transferring said analyte therefrom into said collection liquid, said sampling means comprising an air intake means, an air venting means, and means for removing from said chamber an analyte-enriched collection liquid;

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wherein said volume of air passes through a substantially horizontal air inlet and thence through a substantially vertical electrically conductive collector electrode tube with means for applying and adjusting an electric field between said tube and a co-axial spiked wire- or rod-shaped discharge electrode, **said collector tube and discharge electrode forming part of said chamber**, wherein said electric field is high enough to effectuate a corona discharge so as to generate ionized particles that could be driven towards said collector electrode by an electric field, and wherein said removing means comprises means for feeding said enriched liquid to an appropriate detector or storing said liquid for subsequent analysis.

5. In a wet electrostatic precipitation-based method for detecting the presence of an airborne chemical or biological analyte, the improvement comprising the steps of:

providing a gas- and liquid-containing means;

introducing an analyte-free collection liquid into said containing means;

rapidly passing a volume of ambient air through a **sampling means forming part of said containing means** and comprising an air intake means and an air venting means and transferring said analyte therefrom into said collection liquid by passing said volume of air through a substantially horizontal air inlet and thence through a substantially vertical collector electrode tube while applying an electric field between said tube and a co-axial spiked wire- or rod-shaped discharge electrode, wherein said electric field is high enough to effectuate a corona discharge so as to generate ionized particles that could be driven towards said collector electrode by an electric field;

and removing from said containing means an analyte-enriched collection liquid and either feeding it to an appropriate detector or storing it for subsequent analysis.”

The misinterpretation of page 6 of Applicants’ last reply and also some of the Examiner’s hard to interpret language, such as the word “mapped” under Points 13 and 14 of the last Office Action suggest that the difficulties encountered throughout the prosecution of this application may have been at least partly due to linguistic differences. Since there is no time left now for ironing out such differences in writing, **it is hereby respectfully requested that a last-ditch attempt to get the application into allowance be made via a telephone interview, at the earliest mutual convenience, preferably this coming Wednesday afternoon.**


It is also again respectfully requested that our claims be found conditionally allowable on payment of the terminal amendment fee.

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CERTIFICATION OF FAXING

The undersigned hereby certifies that this response is about to be transmitted to fax number 571-273-8300 on or about February 22, 2010.


Solomon Zaromb